

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CLYDE E. MEASE, JR.,)	
)	
Plaintiff,)	
)	C.A. No. 06-271-SLR
v.)	
)	
WILMINGTON TRUST COMPANY)	Trial By Jury Demanded
)	
Defendant.)	

ANSWER TO AMENDED COMPLAINT

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied.
6. Admitted.
7. Admitted that venue in this Court is proper. Otherwise denied.
8. Admitted.
9. Denied that any violations occurred. Otherwise admitted.
10. Admitted that Plaintiff was employed as a Vice-President by Defendant since December 27, 1983.
11. Denied.
12. Admitted that Plaintiff was terminated on December 2, 2004. Otherwise denied.
13. Denied.
14. Admitted.
15. The Determination speaks for itself.
16. Denied.
17. Denied.
18. Defendant incorporates herein its answers to paragraphs 1 through 17.
19. Denied.

20. Denied.
21. Defendant incorporates herein its answers to paragraphs 1 through 20.
22. Denied.
23. Denied.
24. Defendant incorporates herein its answers to paragraphs 1 through 23.
25. Denied.
26. Denied.

AFFIRMATIVE DEFENSES

27. Plaintiff was terminated for reasonable factors other than age.
28. With respect to some or all of the causes of action relied on, Plaintiff has failed to state a claim upon which relief can be granted.
29. To the extent Plaintiff's claims were not the subject of a timely filed charge of discrimination, Plaintiff's ADEA and state discrimination statute claims are barred for failure to exhaust administrative remedies.
30. To the extent that Plaintiff has failed to mitigate his damages, he is barred from recovery from Defendant.
31. This Court does not have jurisdiction over Count II since Plaintiff has elected to pursue his federal remedy.
32. This Court does not have jurisdiction over Count III since the enactment of the amendments to 19 Del. C. §711, et seq. have preempted the field.

YOUNG CONAWAY STARGATT & TAYLOR, LLP


Sheldon N. Sandler, Esquire (No. 245)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6673
Facsimile: (302) 576-3330
ssandler@ycst.com
Attorneys for Defendant

July 19, 2006

CERTIFICATE OF SERVICE

I, **Sheldon N. Sandler, Esquire**, hereby certify that on **Wednesday, July 19, 2006**, I electronically filed a true and correct copy of the foregoing **Answer to Amended Complaint** which will send notification that such filing is available for viewing and downloading to the following counsel of record. A courtesy copy of such **Answer to Amended Complaint** was also hand delivered to the following counsel of record on this date.

Gary W. Aber, Esquire
Aber, Goldlust, Baker & Over
702 King Street, Suite 600
P.O. Box 1675
Wilmington, DE 19899-1675

YOUNG CONAWAY STARGATT & TAYLOR, LLP



Sheldon N. Sandler, Esquire (No. 0245)
The Brandywine Building
1000 West Street, 17th Floor
P.O. Box 391
Wilmington, Delaware 19899-0391
Telephone: (302) 571-6673
Facsimile: (302) 576-3330
Email: ssandler@ycst.com
Attorneys for Defendant

DATED: July 19, 2006